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APPLICATION NO.	· FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,491 10/25/2000		David W. Paranchych	NORT0031US(10955RRUS02U) 3619	
7590 12/24/2003			EXAMINER	
Dan C. Hu			NGUYEN, DAVID Q	
TROP, PRUNER & HU, P.C. Ste. 100			ART UNIT	PAPER NUMBER
8554 Katy Freeway			2681	
Houston, TX 77024			DATE MAILED: 12/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	09/696,491	PARANCHYCH ET AL.	
Advisory Action	Examiner	Art Unit	
	David Q Nguyen	2681	
The MAILING DATE of this communication ap	ppears on the cover sheet with the	correspondence address	
THE REPLY FILED 02 December 2003 FAILS TO PLATHEREFORE, further action by the applicant is required to final rejection under 37 CFR 1.113 may only be either: condition for allowance; (2) a timely filed Notice of Applexamination (RCE) in compliance with 37 CFR 1.114.	avoid abandonment of this applic (1) a timely filed amendment whice eal (with appeal fee); or (3) a time	ation. A proper reply to a	
	REPLY [check either a) or b)]		
a) The period for reply expiresmonths from the mable to the period for reply expires on: (1) the mailing date of the no event, however, will the statutory period for reply expirately the control on the period of the control of the period of the may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date (2) as set forth in (b) above, if checked. Any reply received by the Control of th	is Advisory Action, or (2) the date set forting the mailing of the mailing of the Month's of the mailing of the date on which the petition under 37 Cloud of extension and the corresponding amount of the shortened statutory period for reply office later than three months after the mailing of the shortened statutory period for reply office later than three months after the mailing of the shortened statutory period for reply of the shortened statutory period statutory period for the shortened statutory period statut	ng date of the final rejection. THE FINAL REJECTION. See MPEP FR 1.136(a) and the appropriate extension ount of the fee. The appropriate extension or originally set in the final Office action; or	
1. A Notice of Appeal was filed on Appellar 37 CFR 1.192(a), or any extension thereof (37 CFR)			
2. The proposed amendment(s) will not be entered	because:		
(a) they raise new issues that would require fur	ther consideration and/or search	(see NOTE below);	
(b) they raise the issue of new matter (see Note	e below);		
 (c) they are not deemed to place the application issues for appeal; and/or 	n in better form for appeal by mate	erially reducing or simplifying the	
(d) they present additional claims without cand	eling a corresponding number of	finally rejected claims.	
3. Applicant's reply has overcome the following rejo	ection(s):		
 Newly proposed or amended claim(s) wou canceling the non-allowable claim(s). 	uld be allowable if submitted in a s	eparate, timely filed amendment	
5.⊠ The a) affidavit, b) exhibit, or c) request application in condition for allowance because:		sidered but does NOT place the	
6. The affidavit or exhibit will NOT be considered b raised by the Examiner in the final rejection.	ecause it is not directed SOLELY	to issues which were newly	
7. For purposes of Appeal, the proposed amendme explanation of how the new or amended claims	ent(s) a)⊡ will not be entered or b would be rejected is provided belo	o)⊡ will be entered and an ow or appended.	
The status of the claim(s) is (or will be) as follow	s:		
Claim(s) allowed:			
Claim(s) objected to:		•	
Claim(s) rejected:			
Claim(s) withdrawn from consideration:	•		
8. The proposed drawing correction filed on	is a) ☐ approved or b) ☐ disapp	proved by the Examiner.	
9. Note the attached Information Disclosure Statem	nent(s)(PTO-1449) Paper No(s).		

U.S. Patent and Trademark Office PTOL-303 (Rev. 04-01)

10. Other: __

SINH TRAN PRIMARY EXAMINER



Continuation of 5. does NOT place the application in condition for allowance because: Examiner reconsiders the amendment filed 12/2/03. However, all the reference used to reject claims of the application are still stand because they meet all of the limitations recited in the claims.

Advisory Action and

Response to Arguments

Applicant's arguments filed December 2, 2003 have been fully considered but they are not persuasive.

In response to applicant's Remarks on page 8, applicants argue that the combination of Hamalainen and Weaver fails to teach or suggest the invention of independent claim 4. There is nothing in any of the cited passages that suggests detecting an error in control signaling transmitted over a link between the base station and the mobile unit when traffic channels are not being communicated.

Examiner respectfully disagrees because Hamalainen teaches that and shows that BTS sends information to the base station transceiver station, but the personal station sends no information to the BTS. The reverse channel is hereby in a DTX state. Its information rate is hereby low and the channel's transmission power requirement and its reception power are low (see page 7, lines 3-7 and fig 3). It is apparent that in the DTX state, the system detects BTS' information rate is low, the channel's transmission power is required and BTS' reception power are low. Moreover, in the DTX state traffic channels are not being communicated as Hamalainen teaches the personal sends no information to the BTS. Therefore, Hamalainen teaches detecting an error in control signaling transmitted over a link between the base station and the mobile unit when traffic channels are not being communicated.

Applicants also argue on page 8: " Nor is there any teaching or suggestion anywhere within Hamalainen of adjusting a power control element based on the detect error in the control signaling".

Examiner respectfully disagrees because Hamalainen teaches adjusting a power control element based on the detect error in the control signaling (please see page 9 lines 23-33, abstract and figs. 1-3).

Applicants argue on page 9: "Weaver fails to teach or suggest any of the elements of claim 4" and Weaver fails to disclose adjusting a target ratio of energy per bit to noise spectral density based on detected error in control signaling"

Examiner respectfully disagrees because Weaver disclose adjusting the power control element comprises adjusting a ratio of energy per bit to noise spectral density based on the detected error of voice data and reverse link (see col. 3, lines 45-65 and col. 4, lines 29-33). In page 5, lines 15-20 of the specification of the application, applicants mention that the reverse link includes a pilot channel, a power control subchannel, a traffic channel, and other channels. The traffic channel may include a dedicated control channel (DCCH), fudamental channel (FCH), supplemental channel (SCH), and other channels. It is apparent that Weaver et al disclose wherein adjusting the power control element comprises adjusting a target ratio of energy per bit to noise spectral density based on the detected error in the control signaling.

Applicants argue on page 10: "with respect to independent claim 30, there is no teaching or suggestion anywhere within Hamalainen or Weaver of detecting for one or more errors in control signaling received over a link, and adjusting a power control element based on the detected one or more errors in the control signaling if the mobile unit is in a discontinuous transmission mode".

Examiner respectfully disagrees because Hamalainen and Weaver teach detecting for one or more errors in control signaling received over a link, and adjusting a power control element based on the detected one or more errors in the control signaling if the mobile unit is in a discontinuous transmission mode as explained above.

Applicants also argue on page 10: "with respect to independent claim 33, there is no teaching or suggestion by either Hamalainen or Weaver of monitoring for one or more errors in receiving predetermined pilot signal information when traffic signal is not being transmitted, and adjusting a target ratio of energy per bit to noise spectral density based on the monitored one or more errors in the predetermined pilot signal information".

Examiner respectfully disagrees because similarly Hamalainen and Weaver teach monitoring for one or more errors in receiving predetermined pilot signal information when traffic signal is not being transmitted, and adjusting a target ratio of energy per bit to noise spectral density based on the monitored one or more errors in the predetermined pilot signal information as explained above.

Applicants also argue on page 10: "Independent claim 20 was rejected over the asserted combination of Hamalainen and Willenegger. This obviousness rejection is also defective, As noted above, Hamalainen does not disclose detecting for error in received control signaling and adjusting a power control condition based on a detected error in the received control signaling in response to detecting that the mobile unit is in a discontinuous transmission mode".

Examiner respectfully disagrees because Hamalainen discloses detecting for error in received control signaling and adjusting a power control condition based on a detected error in the received control signaling in response to detecting that the mobile unit is in a discontinuous transmission mode as explained above.

Applicants also argue on page 10: "Willenegger does not disclose detecting for error detecting for error in traffic signaling from a mobile unit and to adjust a power control condition based on detected error in the traffic signaling in response to the detecting that a mobile unit is not in discontinuous transmission mode"

Examiner respectfully disagrees because Willenegger does disclose detecting for error detecting for error in traffic signaling from a mobile unit and to adjust a power control condition based on detected error in the traffic signaling in response to the detecting that a mobile unit is not in discontinuous transmission mode (please see col. 3, line 45 to col. 4, line 33).

Applicants also argue on page 11: "Willenegger fails to disclose or suggest detecting whether a mobile unit is or is not in discontinuous transmission mode".

Examiner respectfully disagrees because Willenegger does disclose detecting whether a mobile unit is or is not in discontinuous transmission mode (please see col. 3, line 45 to col. 4, line 33).

David Nguyer